98

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*\$* \$\tau\$ \$\tau

JUN 15 700 PE

In re Application of.:

Robert P. SCHNALL

Serial No.:

10/520,273

Filed:

January 18, 2005

**Group Art Unit:** 

3735

For:

BODY SURFACE PROBE, APPARATUS AND METHOD

FOR NON-INVASIVELY...

Attorney Docket:

28657

Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

#### FIFTH REQUEST FOR CORRECTED FILING RECEIPT

Sir:

Attached is an annotated copy of the official corrected filing receipt dated May 14, 2009 received from the PTO in the above application for which issuance of another corrected filing receipt is respectfully requested.

Please note that the <u>filing date</u> of the PCT Application No. PCT/IL03/00586 has been omitted; please correct as follows:

#### Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IL03/00586 07/15/2003,

which claims benefit from 60/395,613 07/15/2002

#### REMARKS

The filing date of July 15, 2002 of earlier PCT Patent Application No. PCT/IL03/00586, should be added to the Domestic Priority field.

Applicants respectfully request another corrected filing receipt in compliance with the Declaration and Power of Attorney form as filed. Also attached is a copy of the PCT Publication cover sheet.

There is no charge for the correction. However, should there be a charge, please charge the fee of \$40 and any other amount required to Deposit Account No. 50-1407.

Respectfully submitted,

Martin D. Morrisa

Martin D. Moynihan

Registration No. 40,338

Date: June 11, 2009





# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Vignia 22313-1450

1	APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
	10/520.273	01/18/2005	3735	2180	28657	63	1

67801 MARTIN D. MOYNIHAN d/b/a PRTSI, INC. P.O. BOX 16446 ARLINGTON, VA 22215 CONFIRMATION NO. 7217 CORRECTED FILING RECEIPT



Date Malled: 05/14/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filling Receipt, please submit a written request for a Filling Receipt Correction. Please provide a copy of this Filling Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filling Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filling Receipt incorporating the requested corrections

Applicant(s)

Robert P Schnall, Bialik, ISRAEL;

**Power of Attorney:** 

Martin Moynihan--40338

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/IL03/00586 **07/15/2003** which claims benefit of 60/395,613 07/15/2002

Foreign Applications

If Required, Foreign Filing License Granted: 06/30/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/520,273** 

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

\*\* SMALL ENTITY \*\*

Title

BODY SURFACE PROBE, APPARATUS AND METHOD FOR NON-INVASIVELY DETECTING MEDICAL CONDITIONS

#### **Preliminary Class**

600

#### PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/Index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement Issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

# LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

#### GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where page 2 of 3

the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Page 1 of 3

Docket No. 28657

# **Declaration and Power of Attorney For Patent Application**

# **English Language Declaration**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### **BODY SURFACE PROBE, APPARATUS AND METHOD FOR** NON-INVASIVELY DETECTING MEDICAL CONDITIONS

the sp	ecification of wh	·		
$   \overline{\mathbf{A}} $			States Application No. or PCT	
	International A	pplication Number P	CT/IL03/00586	
I here specifi	eby state that I cation, including t	have reviewed and he claims, as amended	understand the contents of by any amendment referred to	the above identified above.
known Sectio availal date o	to me to be man in 1.56. Including the first section of the continuation of the contin	sterial to patentability ng for continuation-in- ling date of the prior a -in-part application.	ed States Patent and Trademark as defined in Title 37, Code o part applications, material infor application and the national or F	f federal Regulations, mation which became PCT international filing
Sectionary Postates patent	n 365(b) of any fo CT International : , listed below and	oreign application(s) for application which designated by have also identified by ificate or PCT Internation	Title 35, United States Code, r patent or inventor's certificate gnated at least one country of elow, by checking the box, any onal application having a filing of	e, or Section 365(a) of other than the United foreign application for
Prior I	Foreign Applicati	on(s)	1	Priority Not Claimed
(Numb	er)	(Country)	(Day/Month/Year Filed	
(Numb	per)	(Country)	(Day/Month/Year Filed	_ 🗆
		·	_	
(Numb	er)	(Country)	(Day/Month/Year Filed	d)
Form PTO	SB-01 (9-95) (Modified)	Copyright 1994-95 Legalsoft	PO2/REV02 Patent and Trademark Office-	U.S. DEPARTMENT OF COMMERCE

•		
60/395,613	15 July 2002	<u>,                                      </u>
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
United States or PCT Internation U.S.C. Section 112. I acknowledge	each of the claims of this application in the manner provide ge the duty to disclose to the United to me to be material to patentability	ed by the first paragraph of 35 I States Patent and Trademark
Section 1.56 which became available or PCT International filing date of PCT/IL03/00586	able between the filing date of the protein this application:  15 July 2003	ior application and the national
Section 1.56 which became available or PCT International filing date of PCT/IL03/00586  (Application Serial No.)	able between the filing date of the protection:	y as defined in Title 37, C.F.R., rior application and the national
Section 1.56 which became available or PCT International filing date of PCT/IL03/00586	able between the filing date of the protein this application:  15 July 2003	ior application and the national (Status)
Section 1.56 which became available or PCT International filing date of PCT/IL03/00586  (Application Serial No.)	able between the filing date of the protein this application:  15 July 2003  (Filing Date)	(Status) (patented, pending, abandoned) (Status)
Section 1.56 which became avails or PCT International filing date of PCT/IL03/00586  (Application Serial No.)  (Application Serial No.)  (Application Serial No.)  I hereby declare that all statements made on information statements were made with the punishable by fine or imprisonm	able between the filing date of the protein this application:  15 July 2003  (Filing Date)  (Filing Date)	(Status) (patented, pending, abandoned)  (Status) (patented, pending, abandoned)  (Status) (patented, pending, abandoned)  Owledge are true and that all true; and further that these ents and the like so made are f Title 18 of the United States
Section 1.56 which became avails or PCT International filing date of PCT/IL03/00586  (Application Serial No.)  (Application Serial No.)  (Application Serial No.)  I hereby declare that all statements made on information statements were made with the punishable by fine or imprisonm Code and that such willful false	able between the filing date of the protein this application:  15 July 2003  (Filing Date)  (Filing Date)  (Filing Date)  ments made herein of my own known and belief are believed to be knowledge that willful false statement, or both, under Section 1001 or	(Status) (patented, pending, abandoned)  (Status) (patented, pending, abandoned)  (Status) (patented, pending, abandoned)  Owledge are true and that all true; and further that these ents and the like so made are f Title 18 of the United States

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Potent and Trademark Office connected therewith. (list name and registration number)

Martin MOYNIHAN, Registration Number 40,338

Send Correspondence to: Martin MOYNIHAN

c/o ANTHONY CASTORINA

2001 JEFFERSON DAVIS HIGHWAY, SUITE 207

**ARLINGTON, VIRGINIA 22202** 

Direct Telephone Calls to: (name and telephone number)

**Anthony Castorina** 

Tel. No. (703) 415-1581 Fax No. (703) 415-4864

FULL NAME OF SOLE O	R FIRST INVENTO	R 100	Robert P. SCHNALL	
Sole or first inventor	s signature	M Sa	M'	Date 10/JAN /05
				•
Residence	: 5 HaDaf	na Street,	27 201 Kiryat Bialik, Israel _	t-LX
Residence Citizenship	: 5 HaDaf		27 201 Kiryat Bialik, Israel	FLX

# (19) World Intellectual Property Organization

International Bureau





(43) International Publication Date 22 January 2004 (22.01.2004)

(10) International Publication Number WO 2004/006748 A2

(51) International Patent Classification7:

**A61B** 

(21) International Application Number:

PCT/IL2003/000586

(22) International Filing Date:

15 July 2003 (15.07.2003)

(25) Filing Language:

English

(26) Publication Language:

English

(30) Priority Data:

60/395,613

15 July 2002 (15.07.2002) US

- (71) Applicant (for all designated States except US): ITAMAR MEDICAL LTD. [IL/IL]; 2 Ha'eshel Street, Industrial Park, 38 900 Caesarea (IL).
- (72) Inventor; and
- (75) Inventor/Applicant (for US only): SCHNALL, Robert, P. [AU/IL]; 5 Hadafna Street, 27 201 Kiryat Bialik (IL).
- (74) Agent: G. E. EHRLICH (1995) LTD.; 11 Menachem Begin Street, 52 521 Ramat Gan (IL).

- (81) Designated States (national): AE, AG, AL, AM, AT (utility model), AT, AU, AZ, BA, BB, BG, BR, BY, BZ, CA, CH, CN, CO, CR, CU, CZ (utility model), CZ, DE (utility model), DE, DK (utility model), DK, DM, DZ, EC, EE (utility model), EE, ES, FI (utility model), FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, MZ, NI, NO, NZ, OM, PG, PH, PL, PT, RO, RU, SC, SD, SE, SG, SK (utility model), SK, SL, SY, TJ, TM, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW.
- (84) Designated States (regional): ARIPO patent (GH, GM, KE, LS, MW, MZ, SD, SL, SZ, TZ, UG, ZM, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GQ, GW, ML, MR, NE, SN, TD, TG).

#### Published:

without international search report and to be republished upon receipt of that report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.



(54) Title: BODY SURFACE PROBE, APPARATUS AND METHOD FOR NON-INVASIVELY DETECTING MEDICAL CON-**DITIONS** 

(57) Abstract: A probe for application to a selected area of a subject's skin covering a body part, which selected area serves as a measurement site for measuring changes in the pulsatile arterial blood volume thereat, includes: a base for application to the selected area of the subject's skin at the measurement site; a pressure applicator for applying a static pressure to the subject's skin at the measurement site; and a sensor for sensing changes in the pulsatile arterial blood volume at the measurement site. The pressure applicator is designed to apply to the measurement site a static pressure of a magnitude to partially unload the wall tension of, but not to occlude, the arteries. The pressure applicator is configured to substantially prevent venous distention and blood pooling at the measurement site by permitting free venous drainage through tissues surrounding the measurement site. This is done by configuring the pressure applicator to apply the static pressure to a relatively restricted area of the subject's skin, which area occupies a relatively small fraction of the surface perimeter of the respective body part at the measurement site, to thereby permit free venous drainage from the measurement site via a wide region of unrestricted passageways surrounding the measurement site.

